IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 11400 of 2007(F)

PETITIONER:

T.P.SARASAMMA, THEKKETHIL VEEDU,
NOORANADU, MAVELIKKARA, ALAPPUZHA DISTRICT.

BY ADV. SRI.K.RAVEENDRAN
SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS:
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1. THE SECRETARY, HOME DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

4. THE SUPERINTENDENT OF POLICE, ALAPPUZHA.

5. THE REGIONAL MANAGER,
SREE RAM TRANSPORT FINANCE COMPANY LTD.,
KOTTAYAM.

6. THE CIRCLE INSPECTOR OF POLICE,
PANDALAM.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
GOVERNMENT PLEADER SRI. SALIM P.A

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

W.P.(C)No. 11400 of 2007

Dated, this the 16th day of August, 2007

JUDGMENT

Balakrishnan Nair, J.

The petitioner is the registered owner of a vehicle bearing registration No.KL4/Q 9581.It is operating on the route Puthenkulam - Cheruthana. The vehicle was purchased by availing finance from the 5th respondent. For realising the arrears of the loan amount, the 5th respondent is taking steps to seize the vehicle. Therefore, this writ petition is filed seeking for the following reliefs:

> i) Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding respondents 1 to 4and 6 to grant police aid and protection to the petitioner and her vehicle KL4/Q9781and its staff for operating on the route against the possible muscle power of respondent No.5, his men, servants or supporters from taking law into their own hands and repossessing the same.
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> ii) Call for the records leading up to the alleged circular issued by the 1st respondent by which it has been directed that police need not register any case in complaints against financiers, banks etc. where it has been alleged that vehicles have been repossessed etc. and quash the same.
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> iii) Grant such other or further reliefs which this Hon'ble Court may deem fit and proper in the interests of justice and which the petitioner may pray for from time to time."

2. The dispute between the petitioner and the 5th respondent is governed by the terms and conditions of the contract between them. If for any breach of the conditions of the contract the 5th respondent is taking steps against her, the

petitioner's remedy is to move the civil court and get appropriate orders. The police has no role in this dispute. Therefore, the petition for police protection is not maintainable. Accordingly it is dismissed without prejudice to the right of the petitioner to move the civil court for appropriate orders.

K. BALAKRISHNAN NAIR
JUDGE

HARUN-UL-RASHID,
JUDGE.

mt/